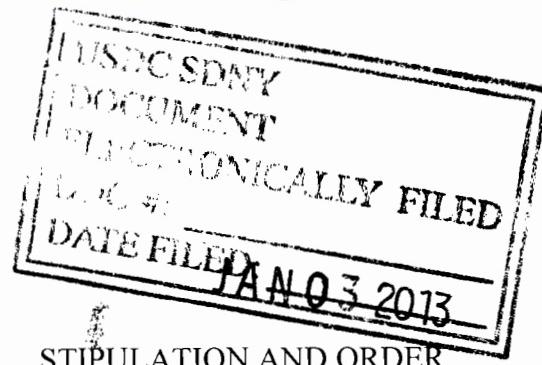


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
ANY AND ALL FUNDS ON DEPOSIT AT)
UNICREDIT AKA HYPOVEREINS (NEW)
YORK BRANCH) ACCOUNT NUMBER)
1100010868 HELD IN THE NAME OF)
ITALPREZIOSI SPA,)
ANY AND ALL FUNDS ON DEPOSIT AT)
BANCA INTESA (NEW YORK BRANCH))
ACCOUNT NUMBER 124050810001 HELD)
IN THE NAME OF ITALPREZIOSI SPA)
Defendants-in-rem.)



STIPULATION AND ORDER
EXTENDING TIME AND
PARTIALLY VACATING
WARRANT REGARDING
ITALPREZIOSI

12 Civ. 7530 (GBD)

WHEREAS on September 7, 2012, the United States District Court for the Southern District of New York issued a warrant (the “September 7 Warrant”) for the seizure of all funds currently on deposit at Unicredit a/k/a Hypovereins (New York branch), account number 1100010868 (“Italpreziosi Account-1”), held in the name of Italpreziosi SpA (“Italpreziosi”), and all funds currently on deposit at Banca Intesa (New York branch), account number 124050810001 (“Italpreziosi Account-2”), held in the name of Italpreziosi SpA (collectively the “Italpreziosi Accounts”);

WHEREAS on October 9, 2012, the United States of America filed a Verified Complaint seeking civil forfeiture of any and all funds in the Italpreziosi Accounts pursuant to Title 18,

United States Code, Section 981(a)(1)(A) and Title 21, United States Code, Section 881(a)(6) (the “Complaint”);

WHEREAS counsel for Italpreziosi has provided evidence in support of its claim that it was an innocent owner under Title 18, United States Code, Section 983(d)(3)(A), in that it was a bona fide purchaser or seller for value, and did not know and reasonably was without cause to believe that the property was subject to forfeiture;

WHEREAS Italpreziosi and the United States of America have entered into a stipulation dismissing the complaint as to Italpreziosi without prejudice to the filing of an amended complaint within a 30-day period and containing other terms, which was so ordered by the Honorable George B. Daniels on December 3, 2012 (the “December 3 Stipulation and Order”); and

WHEREAS counsel for Italpreziosi has subsequently been providing additional evidence to the United States of America, which the United States of America is reviewing,

IT IS HEREBY STIPULATED THAT:

1. The United States of America’s time under the December 3 Stipulation and Order to file an amended complaint shall be extended to January 16, 2013.
2. The Complaint as to the funds in the Italpreziosi Accounts shall be dismissed with prejudice if the United States fails to file an amended complaint on or before January 16, 2013;
3. The September 7 Warrant is hereby vacated as to any funds in the Italpreziosi Accounts exceeding a total of \$3,200,000 (\$3,200,000 the “Retained Funds” and any funds exceeding that total the “Excess Funds”), and the Excess Funds shall be returned to the control of Italpreziosi. The Excess Funds may be drawn from any or all of the Italpreziosi Accounts, so

long as a total of \$3,200,000 in Retained Funds remain in the Italpreziosi Accounts subject to paragraph 4, below.

4. The September 7 Warrant shall remain in effect as to the Retained Funds in the Italpreziosi Accounts until further order of the Court except that, if the United States of America does not file an amended complaint on or before January 16, 2013, the September 7 Warrant shall be vacated as to all of the funds in the Italpreziosi Accounts;

5. All of the other terms of the December 3 Stipulation and Order remain in effect.

6. This Stipulation and Order Extending Time (the "Stipulation") shall in no way be deemed an admission of any wrongdoing, culpability, liability, or guilt on behalf of Italpreziosi or any of its agents, officers or employees, past and present. Further, this Stipulation shall in no way constitute any reflection upon the merits of the claims and defenses asserted respectively by the United States and Italpreziosi, or upon the validity of the seizures conducted pursuant to the September 7 Warrant.

7. The parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation.

8. Each party shall bear its own costs and attorneys' fees.

9. This Stipulation may be executed in one or more counterparts and transmitted by facsimile or electronic means, each of which counterparts will be deemed to be an original and which taken together will constitute the Stipulation.

10. This Stipulation represents the entire agreement of the parties and shall only be modified by written amendment.

For the United States:

PREET BHARARA
United States Attorney

BY:



DATE: 1/2/13

Paul Monteleoni
Assistant United States Attorney
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(212) 637-2219

For Italpreziosi:


Matthew L. Menchel
Kobre & Kim LLP
800 3rd Avenue
New York, NY 10022
(212) 488-1208

DATE: 1/2/13

SO ORDERED:


THE HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

DATE: JAN 03 2013